

File # 6-D-22-VA



BOARD OF ZONING APPEALS APPLICATION

APPLICANT INFORMATION	APPLICANT IS:	THIS PROPOSAL PERTAINS TO:
Name Benjamin C. Mullins o/b/o Villas Student Housing	Owner <input type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Street Address 550 West Main Street, Suite 500	Contractor <input type="checkbox"/>	Modification of Existing Structure <input type="checkbox"/>
City, State, Zip Knoxville, TN 37902	Tenant <input type="checkbox"/>	Off Street Parking <input type="checkbox"/>
Phone Number 865-546-9321	Other <input checked="" type="checkbox"/>	Signage <input type="checkbox"/>
Email bmullins@fmsllp.com		Other Height, Setback, Parking <input checked="" type="checkbox"/>

THIS IS A REQUEST FOR:

Zoning Variance (Building Permit Denied) Extension of Non-Conforming Use/or Structure
 Appeal of Administrative Official's Decision Map Interpretation

PROPERTY INFORMATION

Street Address 1717 White Ave.
City, State, Zip Knoxville TN 37916
Parcel # (see KGIS.org) 094NJ016
Zoning District (see KGIS.org) CU-5

VARIANCE REQUIREMENTS

City of Knoxville Zoning Ordinance Article 7, Section 2
The City of Knoxville Board of Zoning Appeals shall have the power and authority to grant variances from terms of this ordinance according to the procedure and under the restrictions set out in this section.
The purpose of the variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property as the zoning ordinance intended.

DESCRIPTION OF APPEAL

Describe your project and why you need variances.

Applicant seeks to construct a multi-family student housing development on the Property consistent with the Form Based Code. Due to site constraints and soil conditions, the applicant needs four variances in order to meet the minimum parking under Sec. 7.2.6.B of the Zoning Ordinance and to enjoy a reasonable use of the property. Specifically, variances are needed from the following code provisions:

Sec. 7.2..C.5.b. and Sec. 7.2.3.E.3.A. to increase the maximum by 30 feet and the number of stories to 11 stories.
Sec. 7.2.3.E.1.F reducing the minimum Rear Alley Building Setback from 5' to 0' for the above-ground parking structure.
Sec. 11.5.B. decreasing the required off-street parking facility dimensions to a minimum stall width of 8.5 feet and the two-way drive aisle minimum width to 25 feet with a parking angle of 90 degrees.
Sec. 11.5 increasing the allowable maximum percentage of compact parking spaces from 20% to 30%.

Describe hardship conditions that apply to this variance.

The lot has significant topographical constraints. Along White Ave. the average elevation is 934.5' but along the rear alley at the property line, the average elevation is 948.5' Additionally, the lot configuration is irregular with a significant portion of the block between 17th and the rear alley (approximately 6,335 sq. ft) belonging to the University Tower Condos to the north which constricts the buildable footprint of the lot. Finally, the soil conditions limit the depth of below grade parking which can be achieved. Geotechnical analysis indicates greater depth of subsurface excavation would encounter both increased moisture content while the strength and consistency of the soil decreases. Excavating more the 2.5 levels would create deleterious impacts to both the community and the neighborhood increase with increased depth of excavation. The 30' height increase is the minimum variance to allow reasonable use of the property given the constraints

APPLICANT AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request and that all owners have been notified of this request in writing.

APPLICANT'S SIGNATURE  DATE May 11, 2022

File #



BOARD OF ZONING APPEALS APPLICATION

*******OFFICE USE ONLY*******

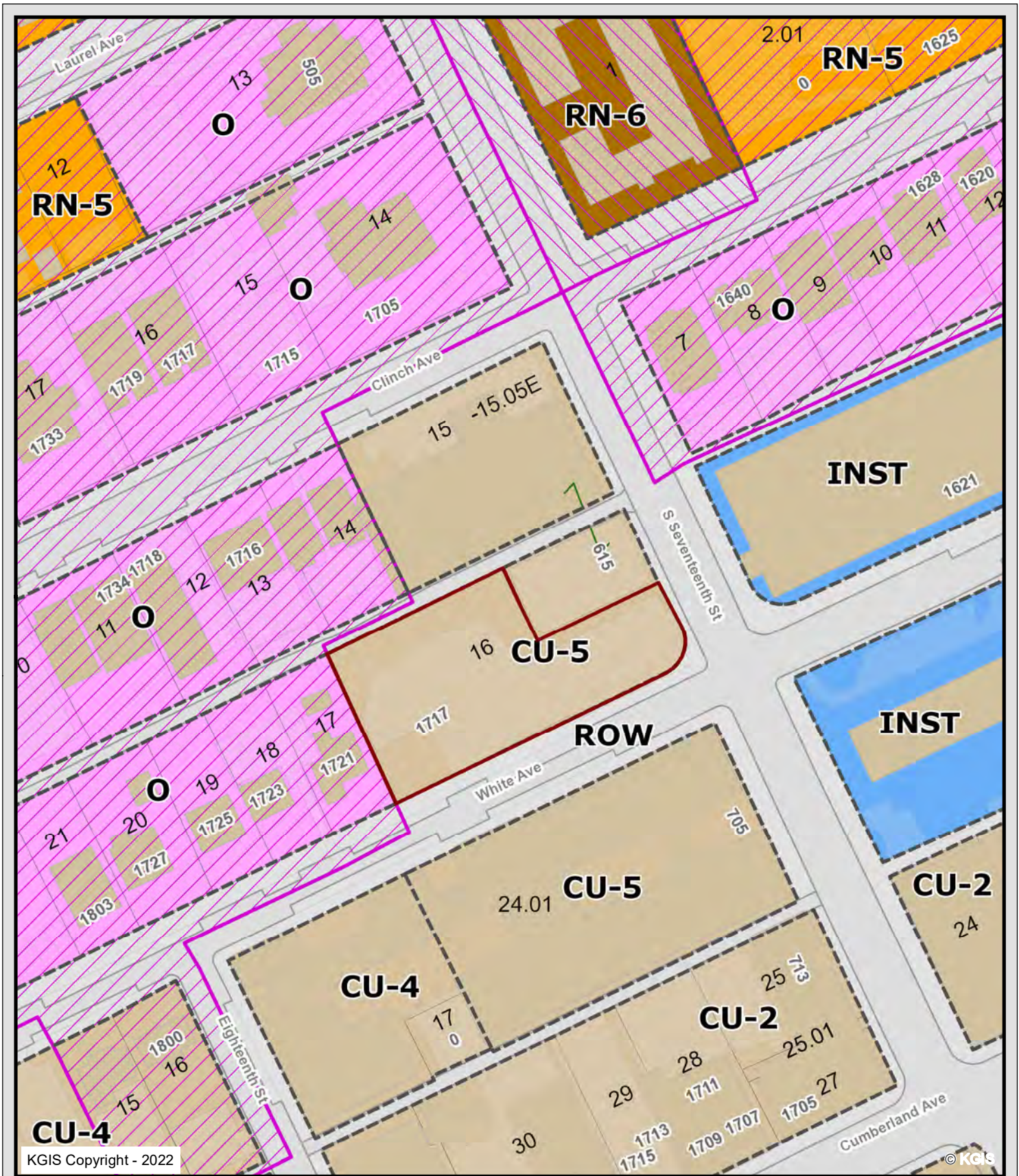
Is a plat required? Yes No

Small Lot of record?

VARIANCE REQUEST(S) WITH ORDINANCE CITATION(S):

PROJECT INFORMATION

Date Filed	Fee Amount
Council District	BZA Meeting Date
PLANS REVIEWER	DATE



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1717 WHITE AVENUE

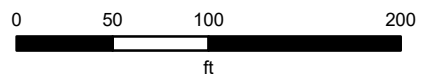
6-D-22-VA

BEN MULLINS O/B/O VILLAS STUDENT HOUSING

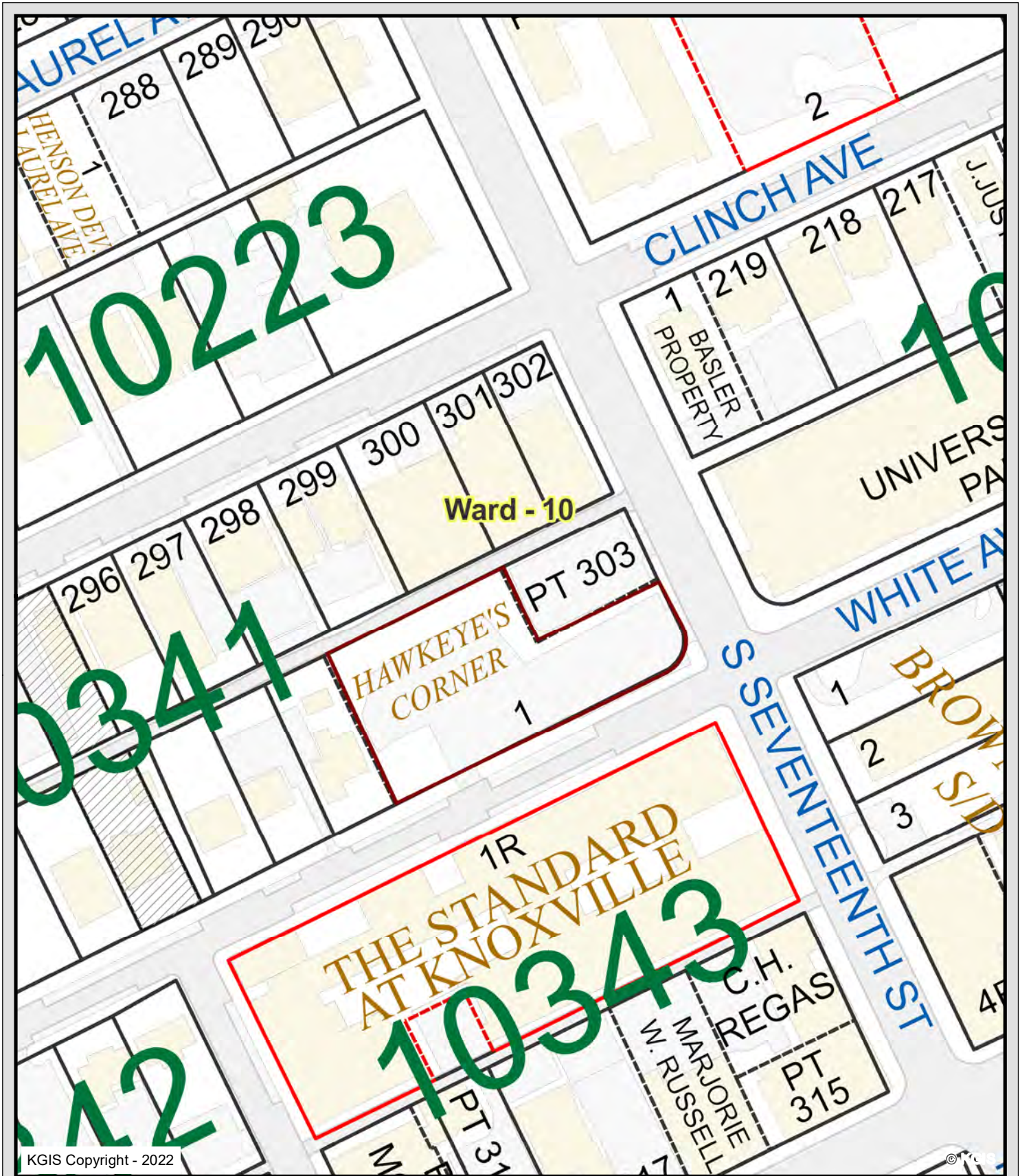
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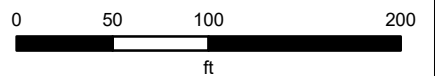
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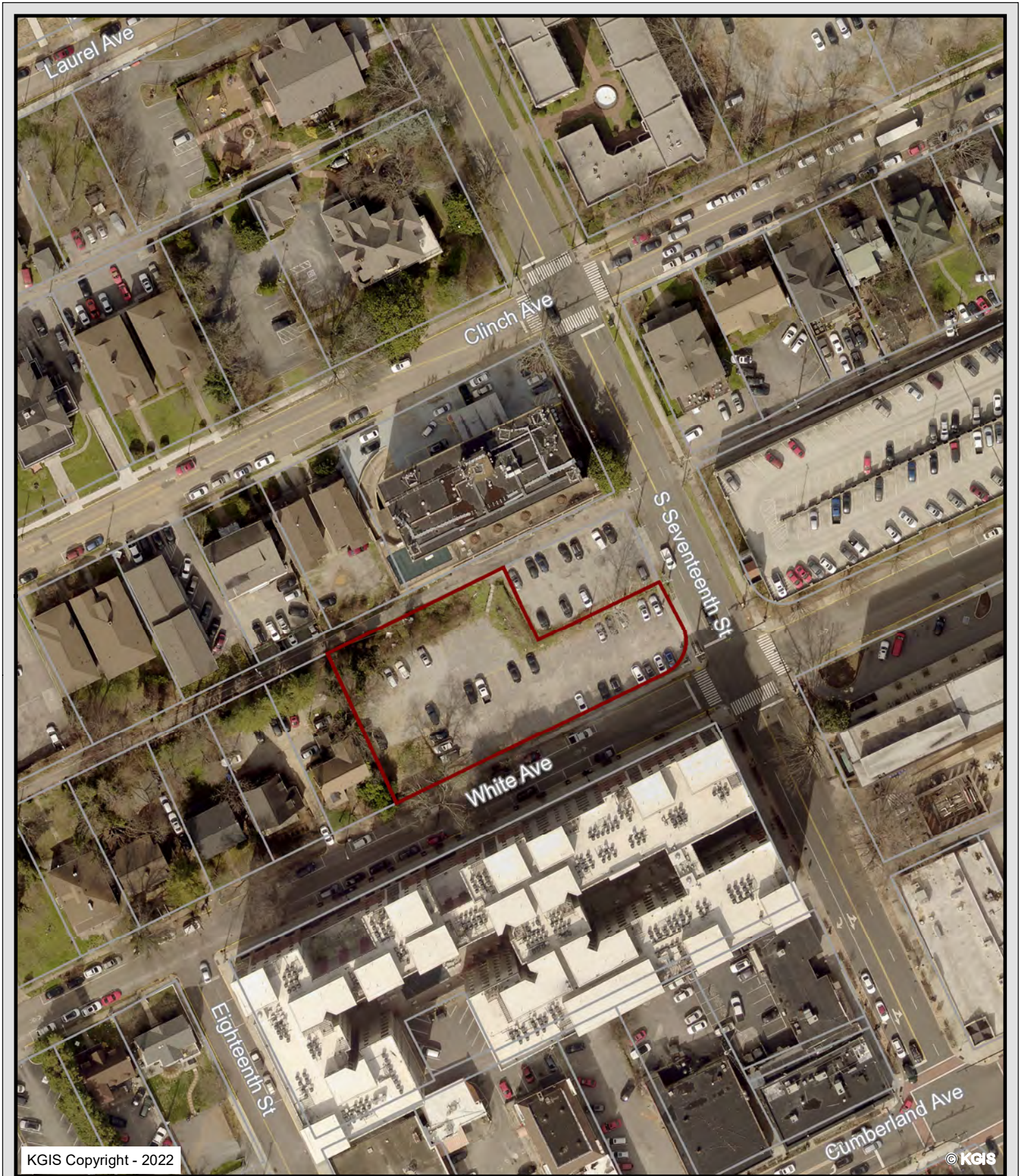
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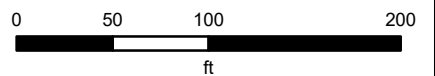
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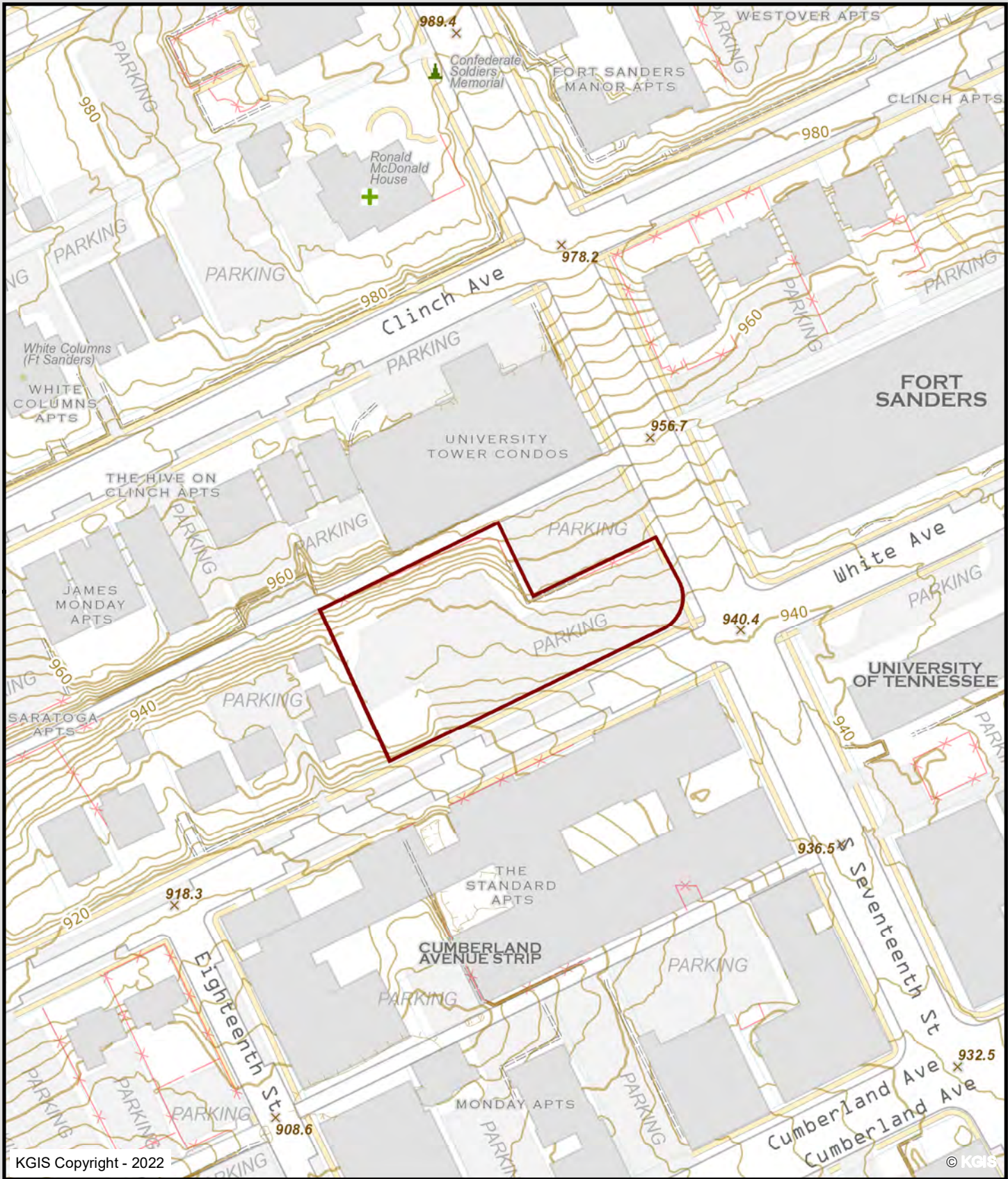
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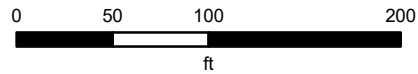
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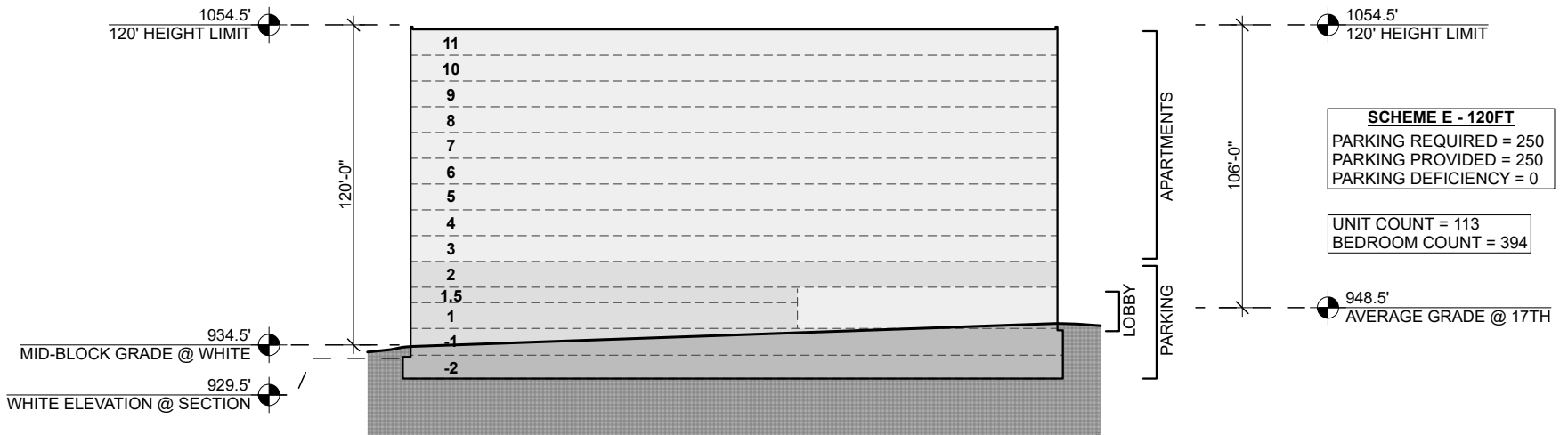


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HEIGHT: 120'



SECTION ALONG WHITE AVE.

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1717 WHITE AVENUE STUDENT HOUSING
KNOXVILLE, TN
3/25/2022



VIEW 1

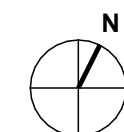
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6/1/2022

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G002



FLOOR PLAN - LEVEL -2



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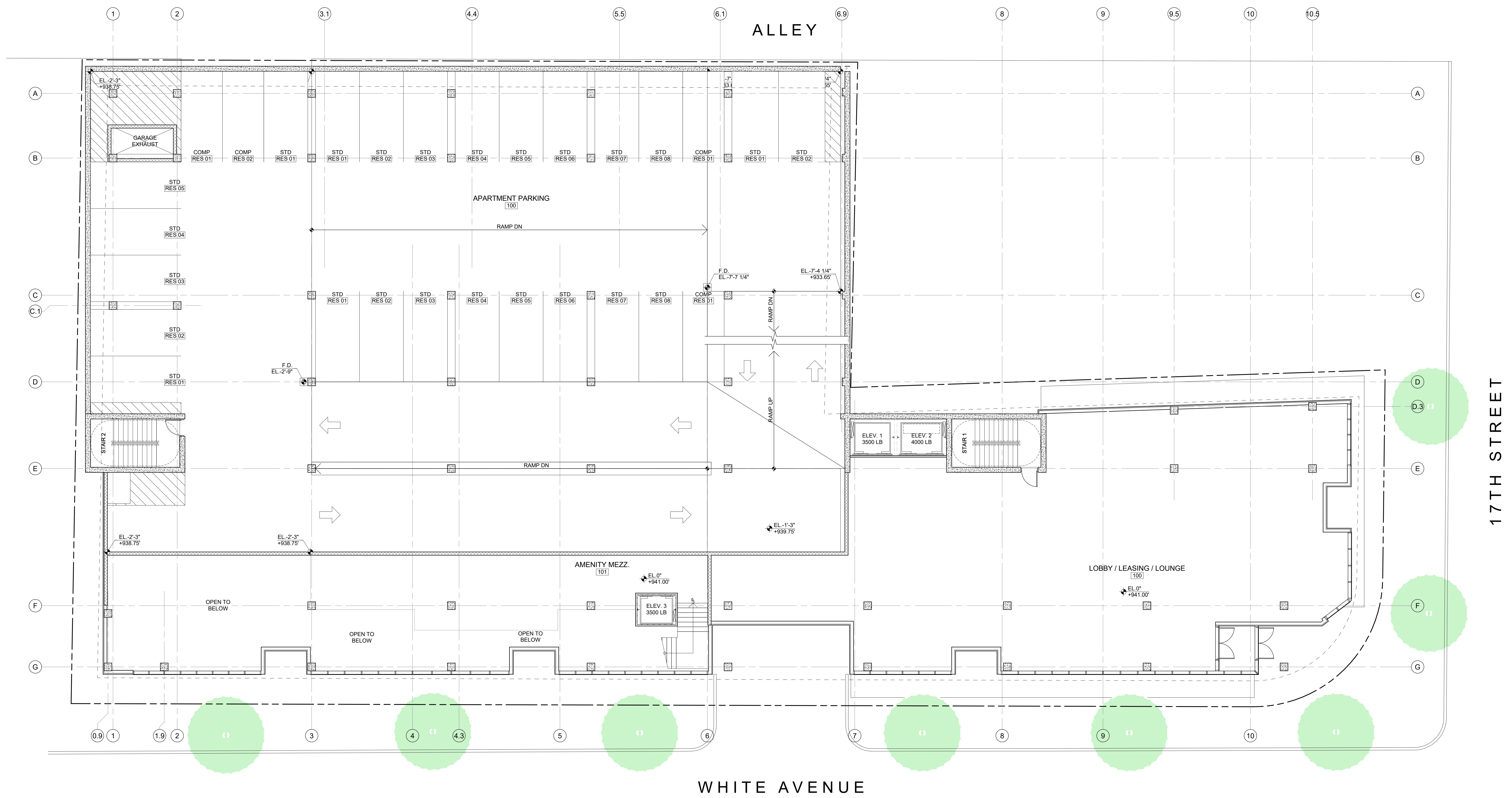
FLOOR PLAN - LEVEL -1



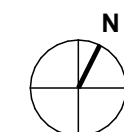
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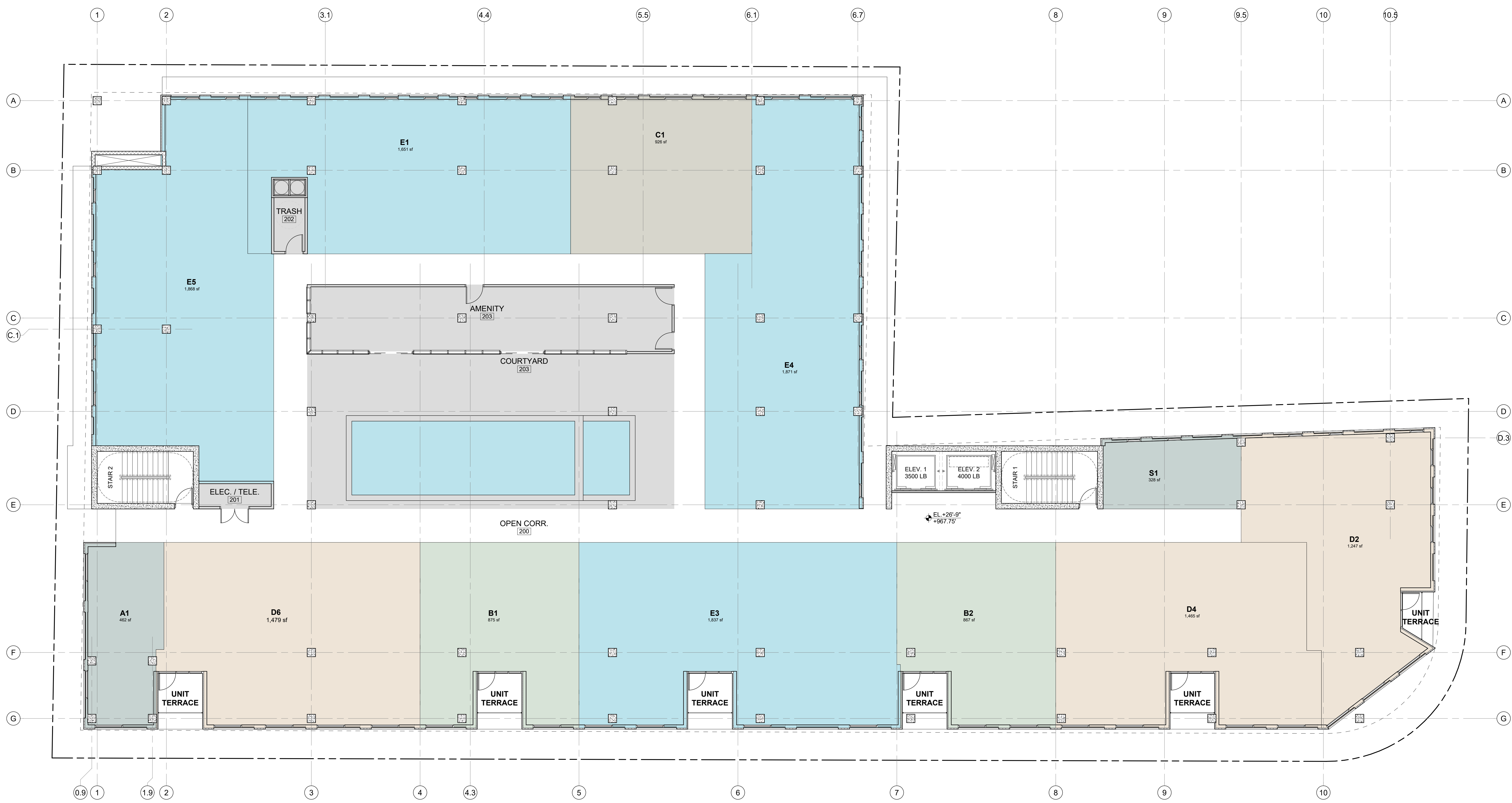
FLOOR PLAN - LEVEL 1



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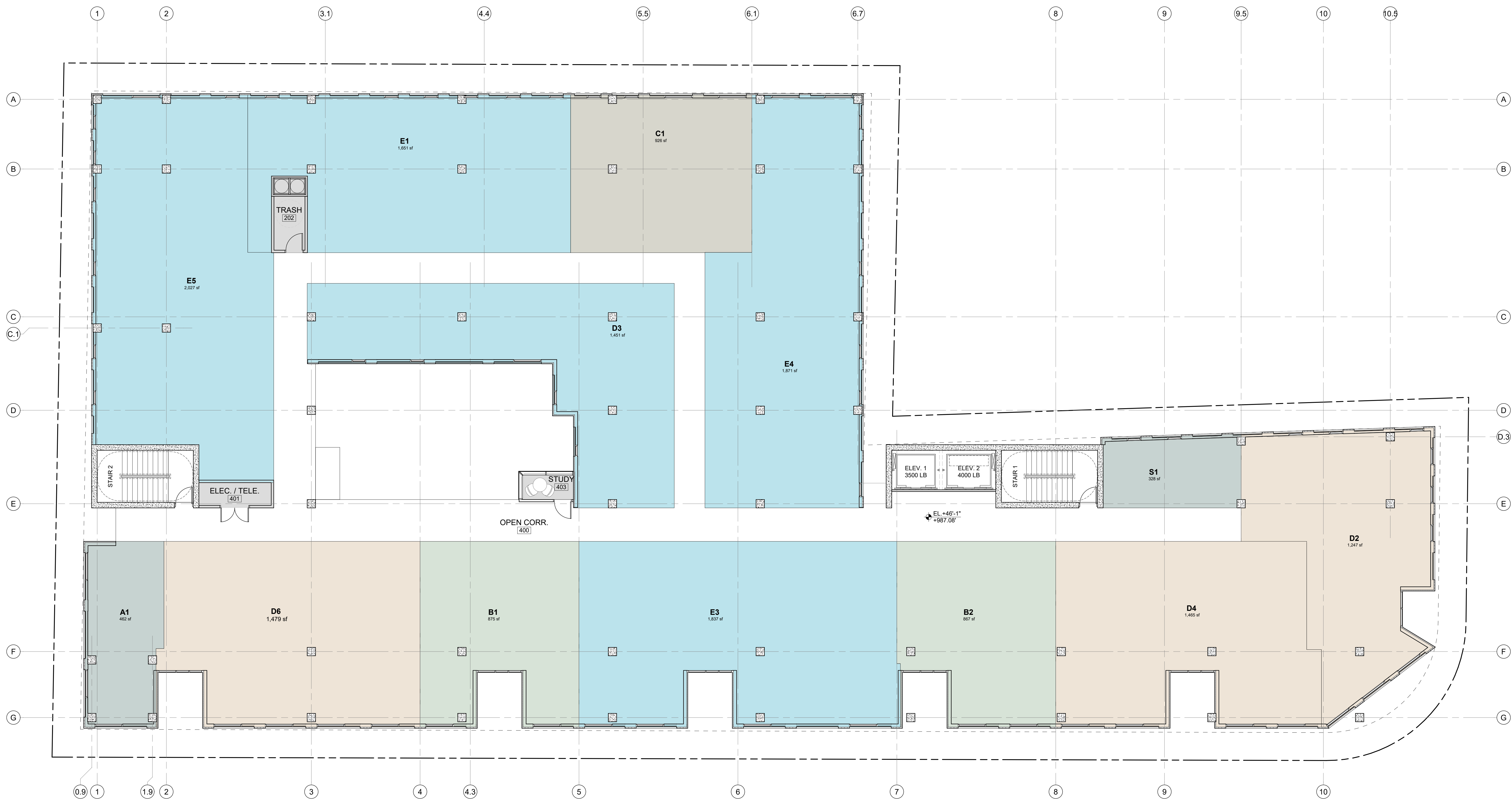
FLOOR PLAN - LEVEL 3



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FLOOR PLAN - TYPICAL RESIDENTIAL LEVEL

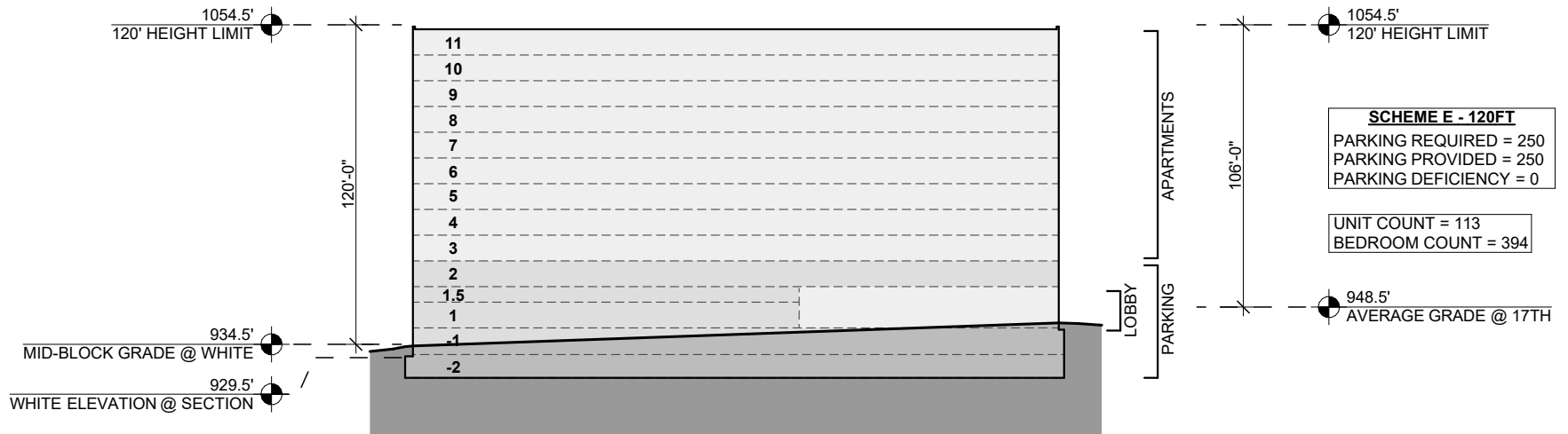


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HEIGHT: 120'



SECTION ALONG WHITE AVE.

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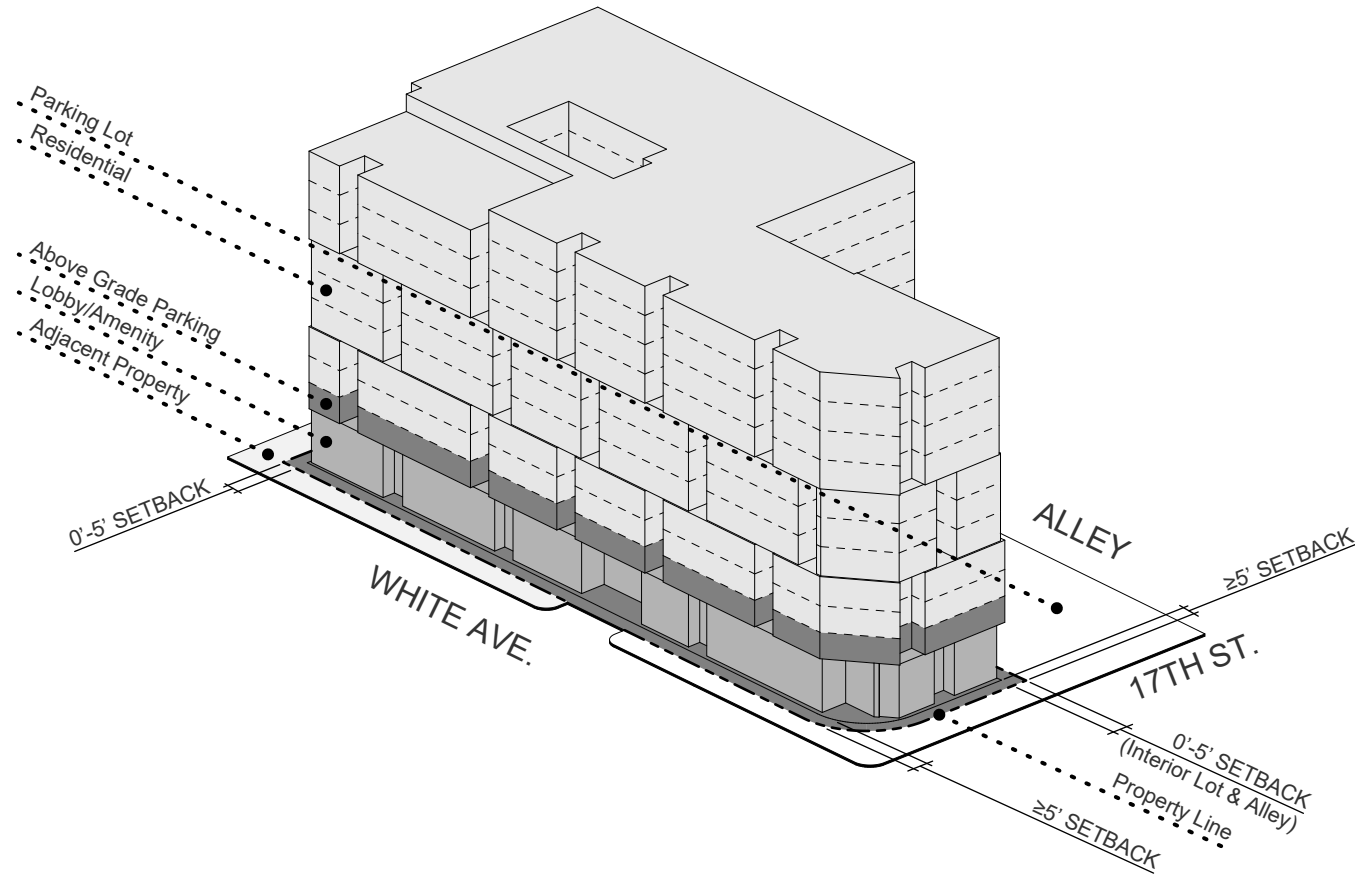
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KNOXVILLE, TN

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HEIGHT: 120'



SETBACKS

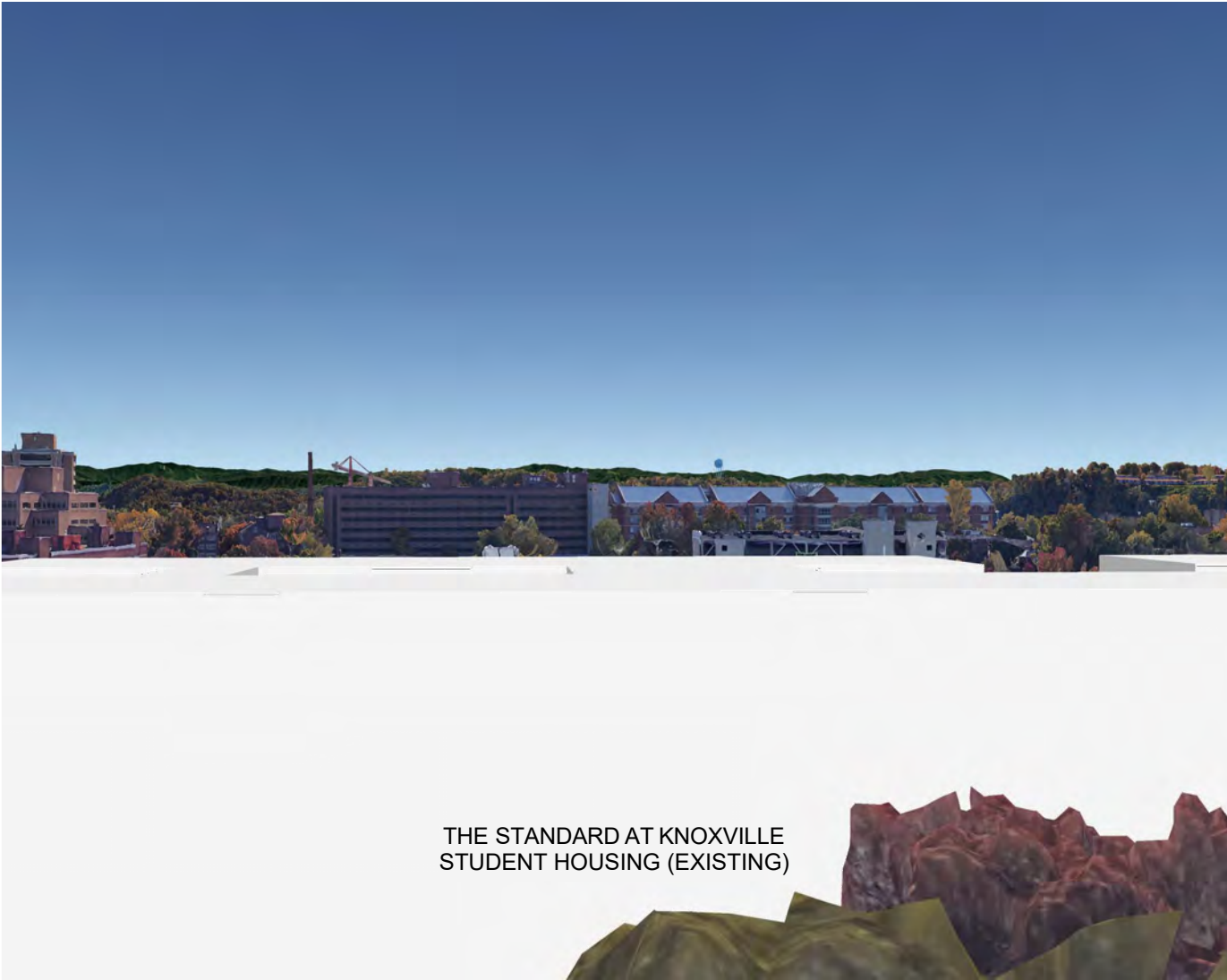
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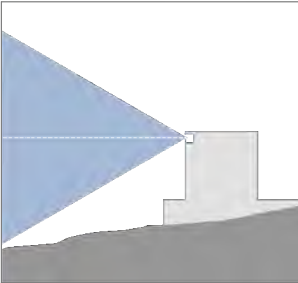
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KNOXVILLE, TN

6/1/2022



THE STANDARD AT KNOXVILLE
STUDENT HOUSING (EXISTING)

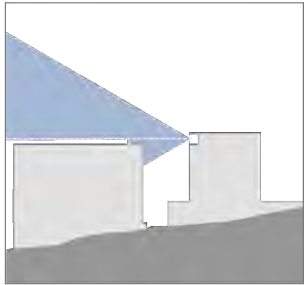
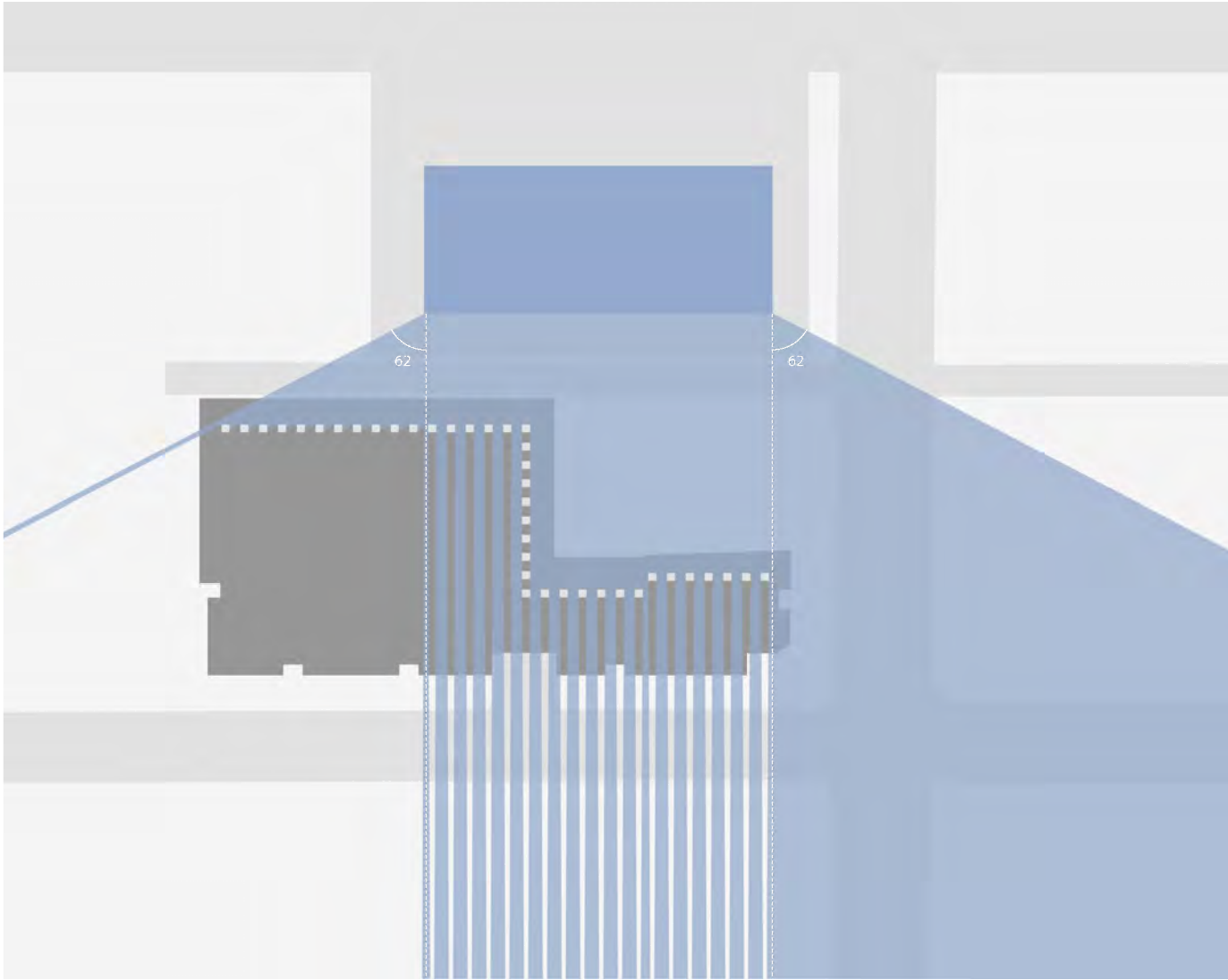


CURRENT VIEW FROM 6TH FLOOR OF UNIVERSITY TOWERS CONDOS

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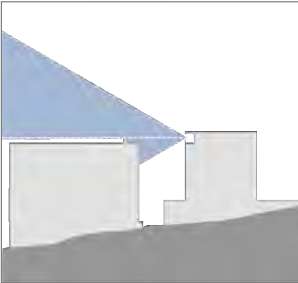
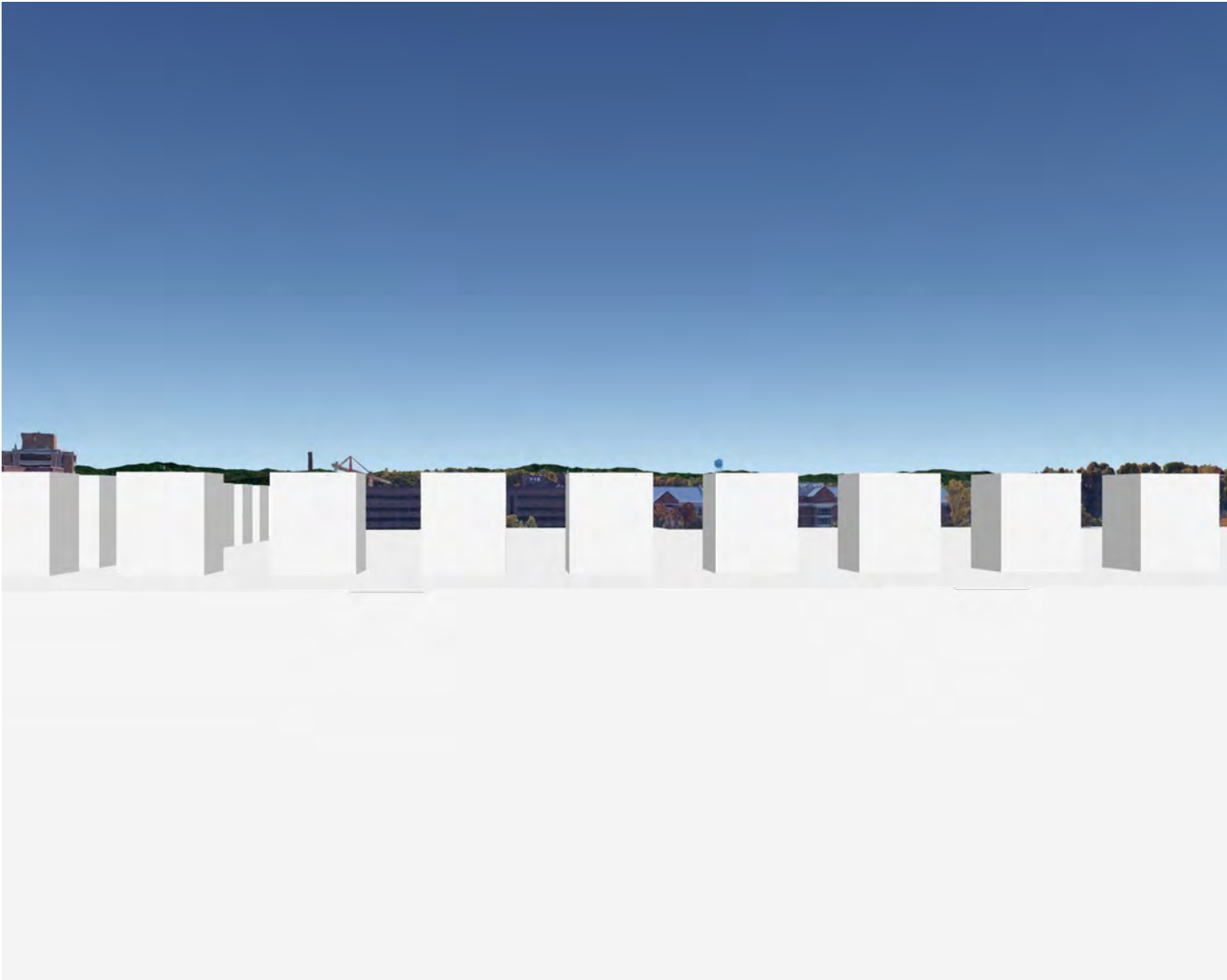


VIEW ANALYSIS FROM 6TH FLOOR OF UNIVERSITY TOWERS CONDOS WITH 90' TALL DEVELOPMENT

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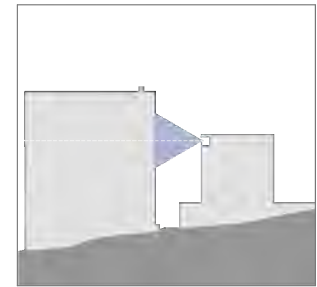
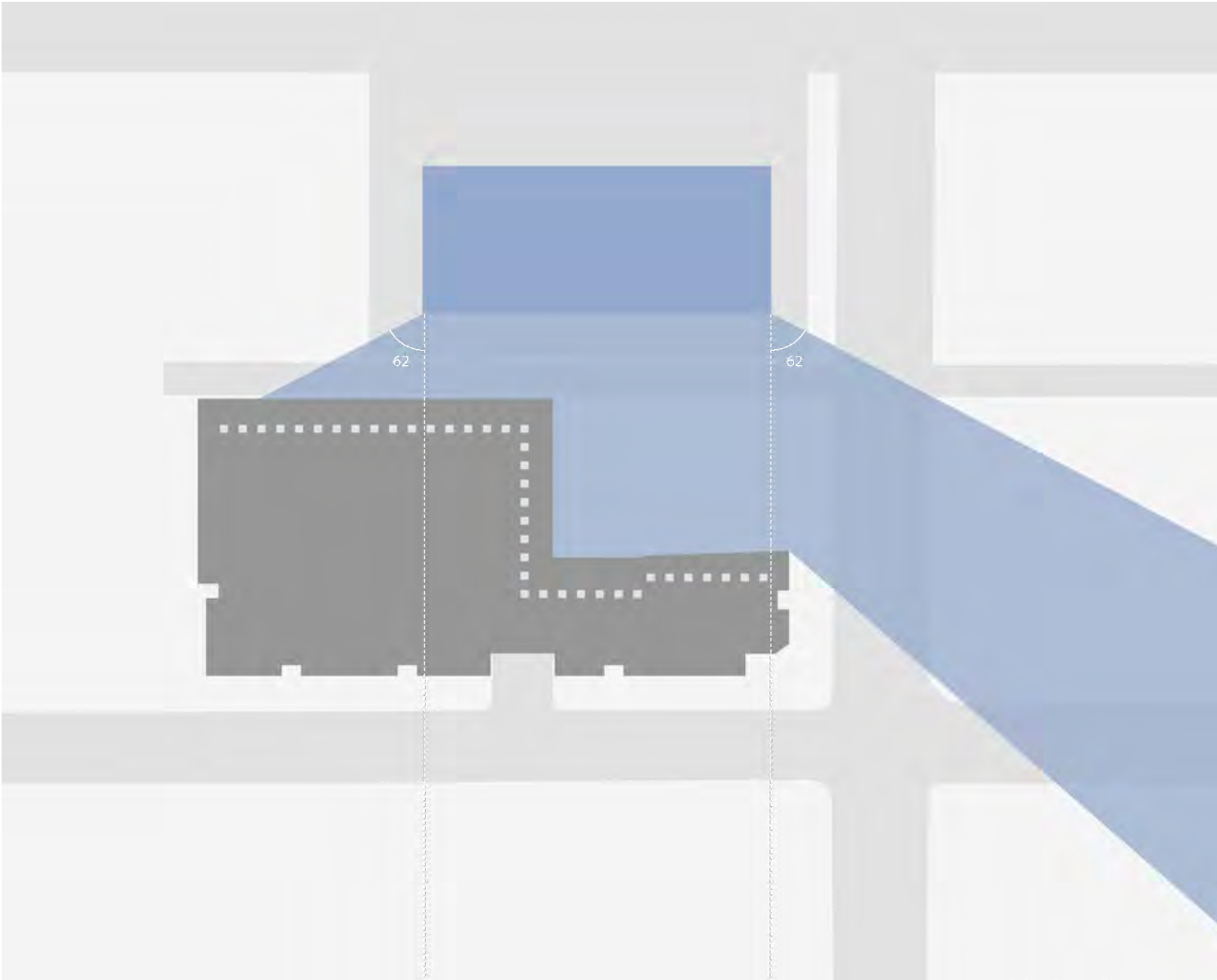


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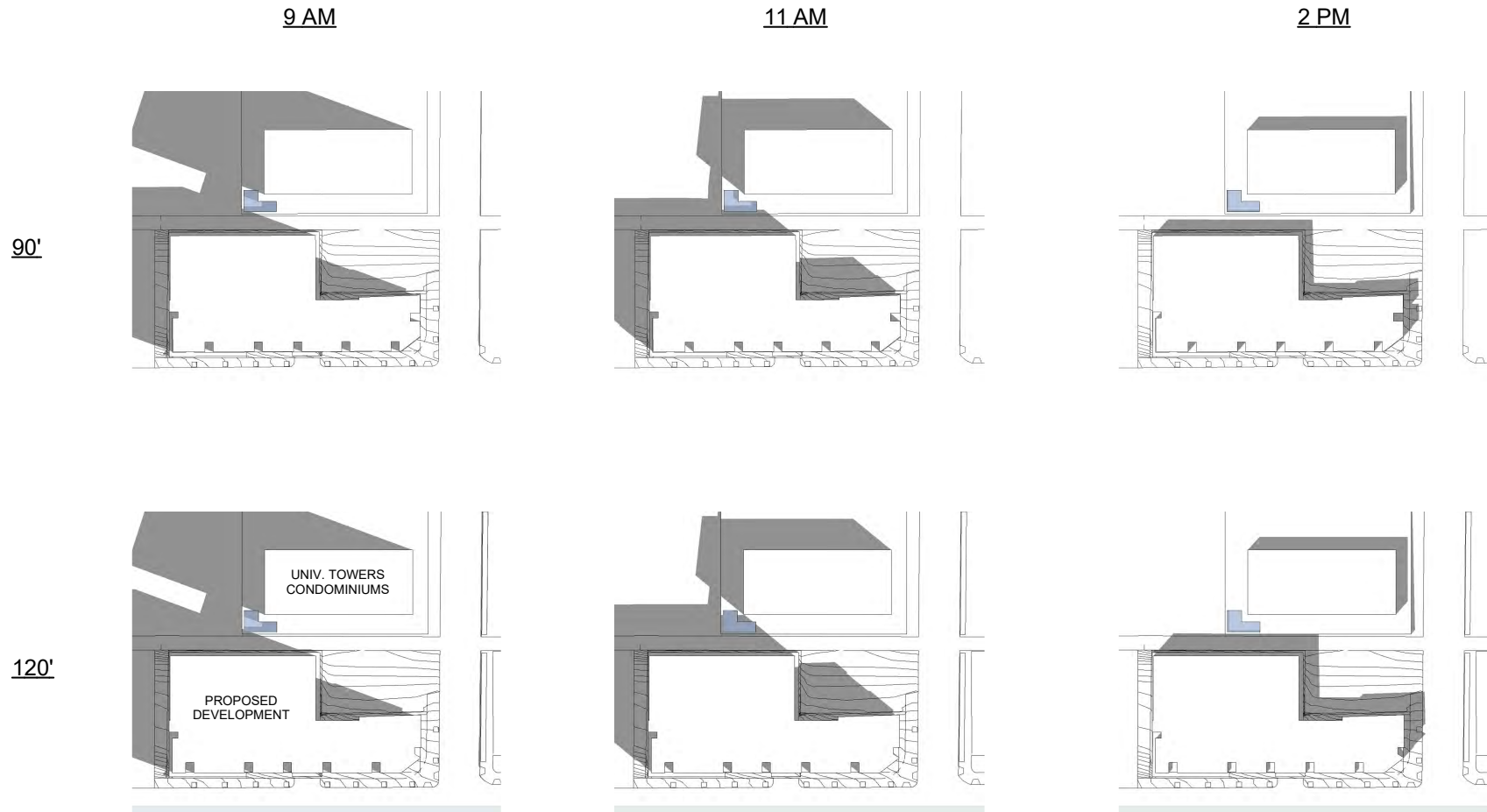
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JULY 21ST



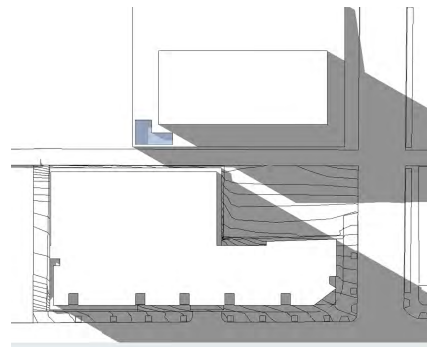
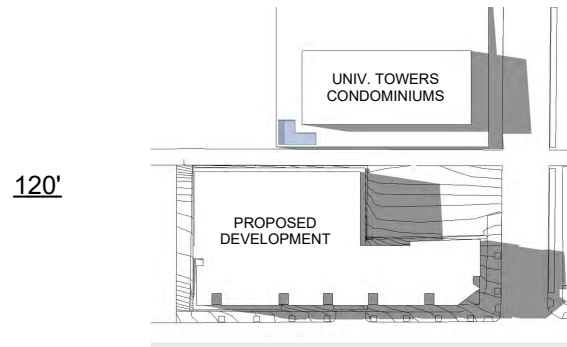
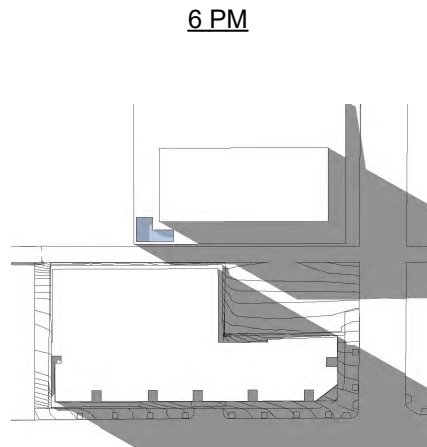
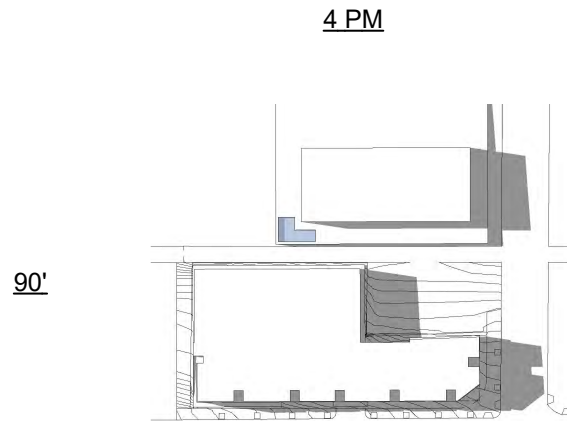
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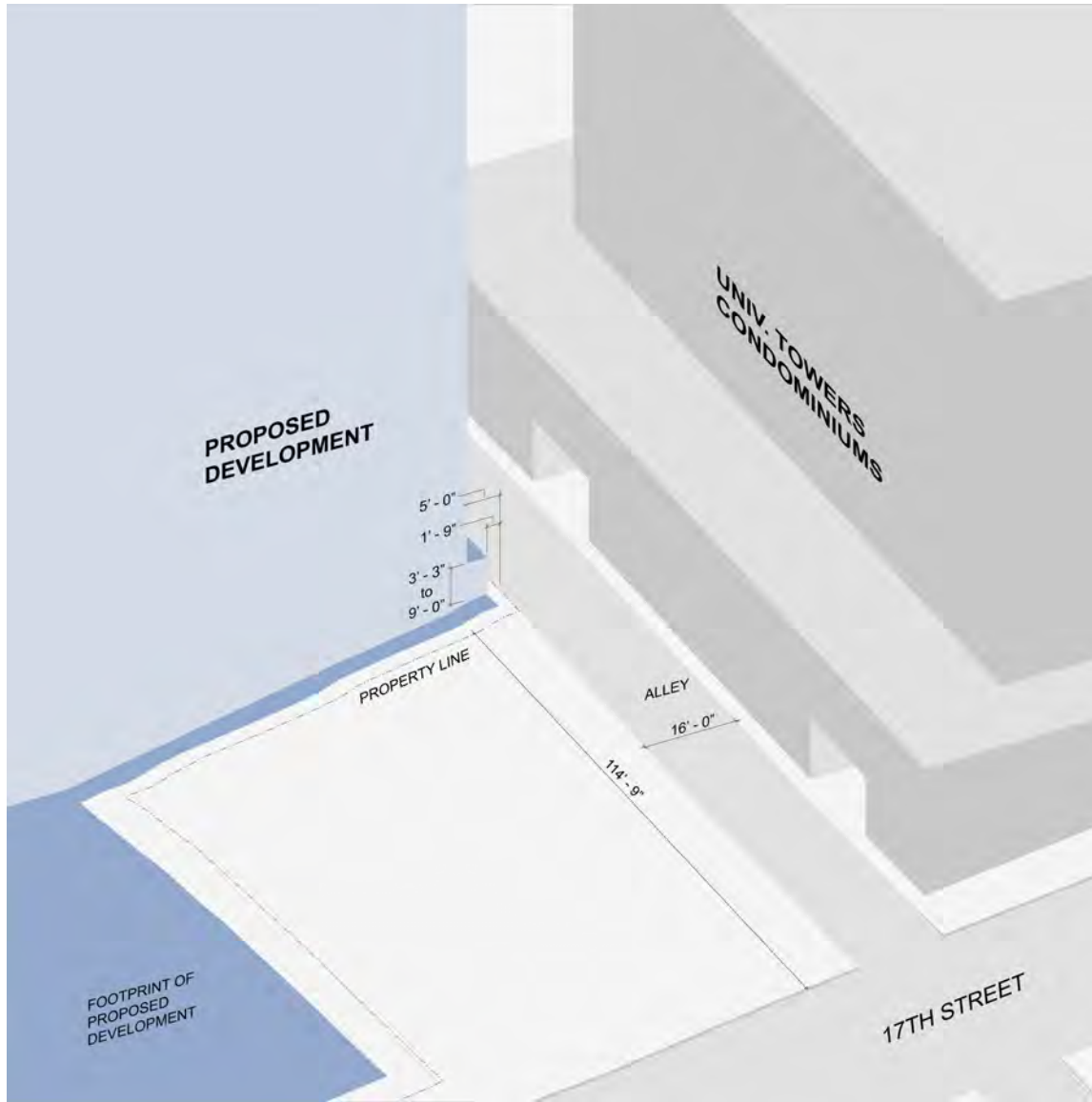


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ALLEY SETBACK ANALYSIS

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 KNOXVILLE, TN
 6/1/2022

ZUCKER

Area and Parking Summary

SCHEME E		120 FT PER CURRENT COK REGULATIONS		9'-0" UNIT CEILING HEIGHT TYPICAL		V1.0				
Residential Unit Type	Description	%	Unit SF	Bedroom Sub-		Pkg Spaces/Unit (COK)		Pkg Spaces Sub-Total (COA)		
				Unit Sub-Total	Total	Car	Bike	Car	Bike	
S1	ST 1 BA	7.96%	330	9	9	2,970	1.0	0.50	9	4.50
A1	1BR 1BA	7.08%	462	8	8	3,696	1.0	0.50	8	4.00
B1	2BR 2BA	3.54%	875	4	8	3,500	1.5	0.50	6	2.00
B2	2BR 2BA	11.50%	867	13	26	11,271	1.5	0.50	20	6.50
C1	3BR 3BA	7.96%	926	9	27	8,334	2.0	0.75	18	6.75
D1	4BR 4BA	4.42%	1216	5	20	6,080	2.5	1.00	13	5.00
D2	4BR 4BA	3.54%	1245	4	16	4,980	2.5	1.00	10	4.00
D3	4BR 4BA	7.08%	1451	8	32	11,608	2.5	1.00	20	8.00
D4	4BR 4BA	3.54%	1453	4	16	5,812	2.5	1.00	10	4.00
D5	4BR 4BA	4.42%	1465	5	20	7,325	2.5	1.00	13	5.00
D6	4BR 4BA	3.54%	1479	4	16	5,916	2.5	1.00	10	4.00
D7	4BR 4BA	3.54%	1479	4	16	5,916	2.5	1.00	10	4.00
E1	5BR 5BA	7.96%	1651	9	45	14,859	2.5	1.25	23	11.25
E2	5BR 5BA	0.00%	1780	0	0	0	2.5	1.25	0	0.00
E3 - MEDIA	5BR 5BA	7.96%	1837	9	45	16,533	2.5	1.25	23	11.25
E4 - MEDIA	5BR 5BA	7.96%	1871	9	45	16,839	2.5	1.25	23	11.25
E5 - MEDIA	5BR 5BA	7.96%	1939	9	45	17,451	2.5	1.25	23	11.25
			Avg NSF per Bedroom		Total Units	Total Bedrooms	Total Unit NSF	Avg Unit Size	Total Base Parking Req. (COK)	
			363		113	394	143,090	1266	236 103	
Unit Mix	ST	1BR	2BR	3BR	4BR	5BR	100.0%			
	8.0%	7.1%	15.0%	8.0%	30.1%	31.9%				
Avg SF	330	462	869	926	1401	1825				
Accessory Use	GSF									
L-1 Fitness + Basketball	2,591									
L1 Fitness	890									
L1 Lobby / Leasing / Amenity	4,756									
L3 Amenity	817									
L11 Amenity	632									
Total	9,686									
PARKING PROVIDED							Required Per COK		Actual Proposed	
							Car	Bike	Car	Bike
Resident Parking (Multi-Family)	Standard						236	103	190	82
	Compact						0		54	
	Guest						14		0	21
	Accessible						5		6	0
	Total						250		250	103
Public Parking										
Residential Unit Parking Ratio (excluding Accessible Spaces)									1.68	
Residential Bedroom Parking Ratio (excluding Accessible Spaces)									0.48	
TOTAL PARKING PROVIDED							250	103	250	103

FAR CALCULATION	LOT	LAND AREA	TOTAL ZONING GSF	FAR
	1	25,047	195,899	7.8

FLOOR	GSF	RENTABLE	PKG SPACES	COMPACT	EFFICIENCY
Level -3 - Parking	0	0	0	0	
Level -2 - Parking	23,455	0	55	17	
Level -1 - Parking	23,455	0	33	11	
Level 1 - Lobby / Leasing Center / Guest Parking	19,620	0	25	4	
Level 1.5 - Parking	9,233	0	28	6	
Level 2 - Parking	23,455	0	55	16	
Level 3 - Units / Amenity	18,632	14,898			80%
Level 4 - Units	18,632	16,349			88%
Level 5 - Units	18,632	16,349			88%
Level 6 - Units	18,632	16,349			88%
Level 7 - Units	18,632	16,349			88%
Level 8 - Units	18,632	16,349			88%
Level 9 - Units	18,632	16,349			88%
Level 10 - Units	18,632	16,349			88%
Level 11 - Units / Amenity	18,632	16,349			88%
TOTAL GSF/NSF	266,906	145,690	196	54	



February 7, 2022

Aycock Construction, Inc.
1300 E. FM 2410
Harker Heights, TX 76548

ATTENTION: Mr. Brad Aycock
brad@aycockconstruction.com

Subject: **Summary Geotechnical Findings
Proposed Housing Development
17th Street and White Avenue**
Knoxville, Tennessee
GEOservices Project 21-22008

Dear Mr. Aycock:

It is our understanding that you are evaluating a development located in Knoxville, Tennessee. The subject site is generally located in the northwest quadrant of the intersection of White Avenue and Seventeenth Street. The project is to include the construction of a multi-story residential structure with below-grade parking. GEOservices has performed a geotechnical exploration of the site for the proposed development. To assist in the planning of the project, we have been requested to provide a brief overview of the subsurface conditions and potential geotechnical challenges that should be considered.

The project is still in the planning phase and detailed information regarding the type of construction has not yet been developed. We do understand that the structure will incorporate between 8 and 13 above grade levels with 2 to 4 below grade parking levels. Existing site grades slope downward from an alley between Clinch and White Avenue in the north down to White Avenue in the south with an estimated topographic relief of about 30 feet across the site.

The borings of the geotechnical exploration encountered fill soils to depths of 6 to 17 feet below the existing ground surface which were underlain by very stiff to very soft residual soils. The depth to bedrock at the site was variable and ranged from about 31 to 76 feet below the existing ground surface. Groundwater was encountered at depths ranging from about 9 to 76 feet.

The proposed structure will be heavily loaded and considering the materials encountered in the soil test borings, deep foundation support of the building is recommended.

Given the site topographic relief, it is likely that significant earthwork cuts and excavation shoring will be required, particularly if the project is to include multiple levels of below grade parking. The following should be considered with respect to deeper excavations at this site:

- The upper zones of residual soils were typically stiff, or better, consistency with the firm to very soft soil present at greater depths. Deeper excavations will expose these soft materials which

could present challenges to excavation stability, where present. Shallower excavations would have less potential for encountering these materials.

- Groundwater was typically encountered at depths of more than about 25 feet. The deeper the excavation, the greater the potential for encountering groundwater and the requirement for dewatering. We note that dewatering can be challenging and lead to undesirable effects away from the immediate construction area including settlement and sinkhole formation.
- If encountered, rock boulders, pinnacles or competent bedrock will require hammering for removal, which could result in unwarranted vibrations to the neighboring infrastructure (e.g., building, roads, utilities, etc.). The greater the depth of excavation, the greater the potential for encountering these materials.
- Potential negative impacts to neighboring existing construction, utilities, roadways and sidewalks will also increase the greater the amount of excavation required. The complexity of the design and construction and extent of the shoring systems, as well as the potential impacts to the existing private and community features, will be lessened if the depth of the proposed excavations can be decreased.

Given the negative impacts associated with deeper excavations at this site, we recommend that the project design attempt to limit below-grade construction to the extent possible.

It has been a pleasure to have been of service to you on this project. If you have any questions, please feel free to contact us.

Sincerely,
GEOServices, LLC



Matthew B. Haston, P.E.
Senior Geotechnical Engineer



T. Brian Williamson, P.E.
Geotechnical Department Manager





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Home Town Shop

GR

Redefining

Under advice of council (Attorney of Record Melanie Davis of Kizer and Black), the Board of Directors for University Tower Homeowner Association opposes the revised proposal for a luxury student housing project at 1717 White Avenue because it would still

- knowingly raise a portion of the tenants into the beam path of high-energy 5G radio wave transmissions (see supplemental Attachment)
- put University Tower pool facility in perpetual shadow (or at least more so than would be the consequences of building to maximum height per existing code)
- present structural instability issues from the consequences of excavation very close to our foundation
- place a residential structure immediately adjacent to our existing surface parking lot (Refer to The City of Knoxville 2018 Ordinance provision for new multifamily residential units that include a surface parking lot)
- and block remaining legacy views from existing University Tower residents.

There is no hardship as required for a variance. The developer can simply build a smaller building with no variances needed. The hardships to University Tower and the surrounding neighborhood are *real* and some are *permanent*. In order to be granted such variances, the applicant must convince the Board that allowance of the variance(s) will not adversely affect neighboring properties or the effectiveness of the zoning ordinance. With regard to the latter, no other private projects within the nearby Fort Sanders vicinity, including the nearby hospitals, have exceeded the 90' or eight-story limit.

Also, at the March 2022 Zoning Variance Board meeting, we objected to the variance request because it looked contrived to justify a height of ~150' height to satisfy parking space requirements. During that meeting, there was a staff suggestion to request a parking space variance rather than trying to justify a height exception well above maximum for that general location. We are not *aware* that this proposal was seriously explored as a remedy for the claimed hardship presented in that meeting.

With specific regard to the project's very close proximity to our cellular antenna tenants, our attorney advises us to state the following at this meeting:

The University Tower Homeowner Association has been in existence since 1983. The Association's Master Deed and By-Laws allows for broad commercial uses of certain common areas. This includes an election by a prior board of directors to lease space on the rooftop to cell phone service providers, along with the associated radio wave transmissions. As the University Tower rooftop is the current highest point within the immediate Fort Sanders area, these radio wave transmissions do not pose any recognized health risk to either the surrounding public or the building's occupants. That is because all such persons are well below the relatively narrow beam paths and / or at an appropriate distance away from the transmitters. However, should the proposed new luxury student housing project at 1717 Clinch Avenue elevate a portion of its tenants into the high-energy beam paths of the cell tower transmitters, any alleged damages or harm that chronic exposure to the transmissions might cause to the new structure's residents would necessarily be the responsibility of the project's developers because they are the one potentially putting their tenants in harm's way.

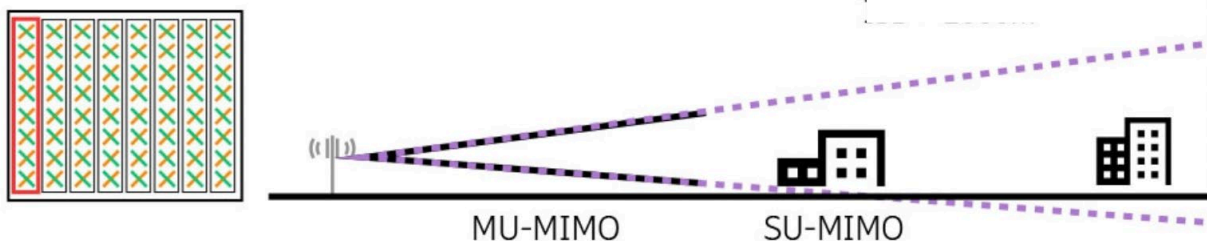
Attachment

Excerpted from: Utility Fleet Professional - Understanding Radio Frequency Energy Exposure <https://utilityfleetprofessional.com/departments/focus-on-fleet-safety/understanding-radio-frequency-energy-exposure>

5G Cell Sites

The RF emissions from cellular antennas generally are directed toward the horizon in a relatively narrow pattern in the vertical plane. (See example graphic below.)

8x1 sub-array - 16T16R



Most of the 5G hazard is the antenna. The obvious precaution, as with any antenna, is to not put yourself in the antenna beam. So, a 360-degree 5G antenna is like any 360-degree antenna: **Don't put your body in the beam.**

Where line workers may be exposed above safe limits, cell transmitters should be locked out to protect workers from radiation energy hazards.

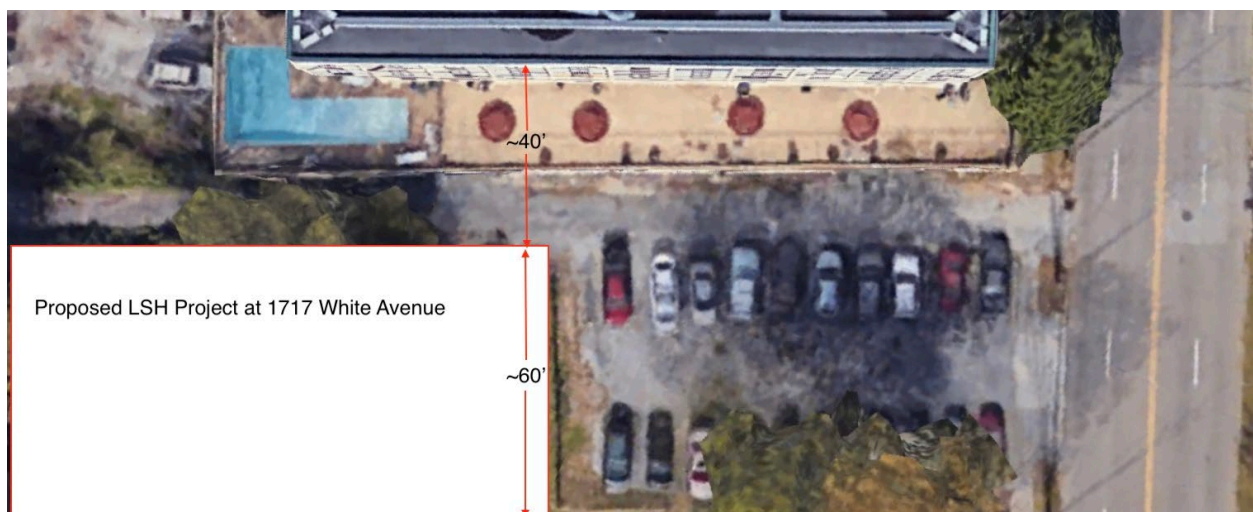
Leave the area if you sense unusual heating of the skin from the direction of an antenna.

Unless the operational characteristics of a particular antenna are understood and exposures are known to be below the appropriate maximum permissible exposures, personnel should remain at distances **greater than** the standoff distances shown below:

- 10 feet of a directional (sector or square-face, panel-type) antenna.
- Out of the center beam and more than 50 feet from the main beam of a horn-reflector or parabolic-reflector (dish) antenna.
- **Leave the area if you sense unusual heating of the skin from the direction of an antenna.**

NOTES:

- All of the above third-party information is for **short-term** exposure to 5G radio frequency radiation. For **chronic exposure**, such as a residence in the beam path, the hazards are significantly raised by persons living and sleeping in the path of multiple beams.
- There are currently five (5) companies with cell transmitters at 1700 Clinch Avenue, Knoxville TN (Verizon, T-Mobile, US Cellular, Dish 5G, Sprint)
- At least four currently have or plan to convert to 5G transmitters by the end of 2022.
- The north side of the proposed luxury student housing project located at 1717 White Avenue would be approximately 40 feet from the south side of the rooftop transmitters at 1700 Clinch Avenue.





June 6, 2022

Mr. Bryan Berry, Deputy Director
Board of Zoning Appeals
Room 475, City-County Building
P. O. Box 1631
Knoxville, Tennessee 37901

Dear Mr. Berry:

Re: Variance Requests 6-A-22-VA, 6-C-22-VA, 6-D-22-VA, and 6-E-22-VA

We have reviewed our records and, as far as we have been able to determine, KUB has no existing utility facilities located within the variance areas and we have no objection to the requested variances. However, KUB does not release and hereby retains all easements and rights for existing facilities, whether or not identified in our research.

If you have any questions regarding this matter, please call me at (865) 558-2483.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Wiberley".

Christian Wiberley, P.E.
Engineering

CGW

From: [Steve Borden](#)
To: [Jennifer Scobee](#)
Subject: RE: June Board of Zoning Appeals Applications
Date: Thursday, June 9, 2022 3:09:20 PM
Attachments: [image002.png](#)
[image003.png](#)

Jennifer,

Please find the following responses from TDOT District 18 Operations for the June BZA applications:

5-A-22-VA: 3917 Holston Dr: Operations has no comment.
6-A-22-VA: 401 Cansler Ave: Operations has no comment.
6-C-22-VA: 2018 Davenport Rd: Operations has no comment.
6-D-22-VA: 1717 White Ave: Operations has no comment.
6-E-22-VA: 524 Williams St: Operations has no comment.



Steven M. Borden, P.E. | Director/Assistant Chief Engineer
TDOT – Region 1
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Knoxville, TN 37914
(865) 594-2400
Steve.Borden@tn.gov
tn.gov/tdot
